

House Engrossed Senate Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 211

SENATE BILL 1283

AN ACT

AMENDING SECTIONS 36-2606 AND 36-2608, ARIZONA REVISED STATUTES; RELATING TO
THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-2606, Arizona Revised Statutes, is amended to
3 read:

4 36-2606. Registration; access; renewal; requirements; mandatory
5 use; annual user satisfaction survey; report;
6 definition

7 A. Beginning November 1, 2007 and pursuant to rules adopted by the
8 board, each medical practitioner who is issued a license pursuant to title 32
9 and who possesses an Arizona registration under the controlled substances act
10 (21 United States Code sections 801 through 904) must have a current
11 controlled substances prescription monitoring program registration issued by
12 the board and be granted access to the program's central database tracking
13 system. The Arizona state board of pharmacy, on receipt of licensure and
14 license renewal confirmation from a medical practitioner regulatory board
15 established pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17, 25 or
16 29, shall register each medical practitioner who possesses an Arizona
17 registration under the controlled substances act (21 United States Code
18 sections 801 through 904) and provide the medical practitioner access to the
19 program's central database tracking system. The Arizona state board of
20 pharmacy shall notify each medical practitioner of the person's registration
21 and access to the database tracking system and how to use the system. The
22 Arizona state board of pharmacy shall notify each medical practitioner
23 receiving an initial license who intends to apply for registration under the
24 controlled substances act (21 United States Code sections 801 through 904) of
25 the person's responsibility and the process to register with the Arizona
26 State board of pharmacy and be granted access to the program's central
27 database tracking system.

28 B. The registration is:

29 1. Until January 1, 2020, subject to biennial renewal as specified in
30 this article, except for medical practitioners whose registration and renewal
31 are provided pursuant to subsection A of this section.

32 2. Not transferable or assignable.

33 3. Valid only in conjunction with a valid license issued by a medical
34 practitioner regulatory board established pursuant to title 32, chapter 7,
35 11, 13, 14, 15, 16, 17, 25 or 29.

36 C. An applicant for registration pursuant to this section must submit
37 an application as prescribed by the board unless the medical practitioner's
38 registration and renewal are provided pursuant to subsection A of this
39 section.

40 D. Until January 1, 2020, the board shall assign all persons
41 registered under this article to one of two registration renewal groups. The
42 holder of a registration ending in an even number must renew the registration
43 biennially on or before May 1 of the next even-numbered year. The holder of
44 a registration ending in an odd number must renew the registration biennially
45 on or before May 1 of the next odd-numbered year. The board shall

1 automatically suspend the registration of any registrant who fails to renew
2 the registration on or before May 1 of the year in which the renewal is due.
3 The board shall vacate a suspension if the registrant submits a renewal
4 application. A suspended registrant is prohibited from accessing information
5 in the prescription monitoring program database tracking system. This
6 subsection does not apply to medical practitioners whose registration and
7 renewal are provided pursuant to subsection A of this section.

8 E. A registrant shall not apply for registration renewal more than
9 sixty days before the expiration date of the registration.

10 F. An applicant for registration renewal pursuant to this section must
11 submit a renewal application prescribed by the board by rule unless the
12 medical practitioner's registration and renewal are provided pursuant to
13 subsection A of this section.

14 G. Pursuant to a fee prescribed by the board by rule, the board may
15 issue a replacement registration to a registrant who requests a replacement
16 because the original was damaged or destroyed, because of a change of name or
17 for any other good cause as prescribed by the board.

18 H. BEGINNING THE LATER OF OCTOBER 1, 2017 OR SIXTY DAYS AFTER THE
19 STATEWIDE HEALTH INFORMATION EXCHANGE HAS INTEGRATED THE CONTROLLED
20 SUBSTANCES PRESCRIPTION MONITORING PROGRAM DATA INTO THE EXCHANGE, A MEDICAL
21 PRACTITIONER, BEFORE PRESCRIBING AN OPIOID ANALGESIC OR BENZODIAZEPINE
22 CONTROLLED SUBSTANCE LISTED IN SCHEDULE II, III OR IV FOR A PATIENT, SHALL
23 OBTAIN A PATIENT UTILIZATION REPORT REGARDING THE PATIENT FOR THE PRECEDING
24 TWELVE MONTHS FROM THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING
25 PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM AT THE BEGINNING OF EACH NEW
26 COURSE OF TREATMENT AND AT LEAST QUARTERLY WHILE THAT PRESCRIPTION REMAINS A
27 PART OF THE TREATMENT. EACH MEDICAL PRACTITIONER REGULATORY BOARD SHALL
28 NOTIFY THE MEDICAL PRACTITIONERS LICENSED BY THAT BOARD OF THE APPLICABLE
29 DATE. A MEDICAL PRACTITIONER MAY BE GRANTED A ONE-YEAR WAIVER FROM THE
30 REQUIREMENT IN THIS SUBSECTION DUE TO TECHNOLOGICAL LIMITATIONS THAT ARE NOT
31 REASONABLY WITHIN THE CONTROL OF THE PRACTITIONER OR OTHER EXCEPTIONAL
32 CIRCUMSTANCES DEMONSTRATED BY THE PRACTITIONER, PURSUANT TO A PROCESS
33 ESTABLISHED BY RULE BY THE ARIZONA STATE BOARD OF PHARMACY.

34 I. THE MEDICAL PRACTITIONER IS NOT REQUIRED TO OBTAIN A PATIENT
35 UTILIZATION REPORT FROM THE CENTRAL DATABASE TRACKING SYSTEM PURSUANT TO
36 SUBSECTION H OF THIS SECTION IF ANY OF THE FOLLOWING APPLIES:

37 1. THE PATIENT IS RECEIVING HOSPICE CARE OR PALLIATIVE CARE FOR A
38 SERIOUS OR CHRONIC ILLNESS.

39 2. THE PATIENT IS RECEIVING CARE FOR CANCER, A CANCER-RELATED ILLNESS
40 OR CONDITION OR DIALYSIS TREATMENT.

41 3. A MEDICAL PRACTITIONER WILL ADMINISTER THE CONTROLLED SUBSTANCE.

42 4. THE PATIENT IS RECEIVING THE CONTROLLED SUBSTANCE DURING THE COURSE
43 OF INPATIENT OR RESIDENTIAL TREATMENT IN A HOSPITAL, NURSING CARE FACILITY,
44 ASSISTED LIVING FACILITY, CORRECTIONAL FACILITY OR MENTAL HEALTH FACILITY.

5. THE MEDICAL PRACTITIONER IS PRESCRIBING THE CONTROLLED SUBSTANCE TO THE PATIENT FOR NO MORE THAN A TEN-DAY PERIOD FOR AN INVASIVE MEDICAL OR DENTAL PROCEDURE OR A MEDICAL OR DENTAL PROCEDURE THAT RESULTS IN ACUTE PAIN TO THE PATIENT.

6. THE MEDICAL PRACTITIONER IS PRESCRIBING THE CONTROLLED SUBSTANCE TO THE PATIENT FOR NO MORE THAN A TEN-DAY PERIOD FOR A PATIENT WHO HAS SUFFERED AN ACUTE INJURY OR A MEDICAL OR DENTAL DISEASE PROCESS THAT IS DIAGNOSED IN AN EMERGENCY DEPARTMENT SETTING AND THAT RESULTS IN ACUTE PAIN TO THE PATIENT. AN ACUTE INJURY OR MEDICAL DISEASE PROCESS DOES NOT INCLUDE BACK PAIN.

7. THE MEDICAL PRACTITIONER IS PRESCRIBING NO MORE THAN A FIVE-DAY PRESCRIPTION AND HAS REVIEWED THE PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM FOR THAT PATIENT WITHIN THE LAST THIRTY DAYS, AND THE SYSTEM SHOWS THAT NO OTHER PRESCRIBER HAS PRESCRIBED A CONTROLLED SUBSTANCE IN THE PRECEDING THIRTY-DAY PERIOD.

J. IF A MEDICAL PRACTITIONER USES ELECTRONIC MEDICAL RECORDS THAT INTEGRATE DATA FROM THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM, A REVIEW OF THE ELECTRONIC MEDICAL RECORDS WITH THE INTEGRATED DATA SHALL BE DEEMED COMPLIANT WITH THE REVIEW OF THE PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM AS REQUIRED IN SUBSECTION H OF THIS SECTION.

K. THE BOARD SHALL PROMOTE AND ENTER INTO DATA SHARING AGREEMENTS FOR THE PURPOSE OF INTEGRATING THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM INTO ELECTRONIC MEDICAL RECORDS.

L. BY COMPLYING WITH THIS SECTION, A MEDICAL PRACTITIONER ACTING IN GOOD FAITH, OR THE MEDICAL PRACTITIONER'S EMPLOYER, IS NOT SUBJECT TO LIABILITY OR DISCIPLINARY ACTION ARISING SOLELY FROM EITHER:

1. REQUESTING OR RECEIVING, OR FAILING TO REQUEST OR RECEIVE, PRESCRIPTION MONITORING DATA FROM THE PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM.

2. ACTING OR FAILING TO ACT ON THE BASIS OF THE PRESCRIPTION MONITORING DATA PROVIDED BY THE PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM.

M. NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, MEDICAL PRACTITIONERS AND THEIR DELEGATES ARE NOT IN VIOLATION OF THIS SECTION DURING ANY TIME PERIOD IN WHICH THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM IS SUSPENDED OR IS NOT OPERATIONAL OR AVAILABLE IN A TIMELY MANNER. IF THE PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM IS NOT ACCESSIBLE, THE MEDICAL PRACTITIONER OR THE MEDICAL PRACTITIONER'S DELEGATE SHALL DOCUMENT THE DATE AND TIME THE PRACTITIONER OR DELEGATE ATTEMPTED TO USE THE CENTRAL DATABASE TRACKING SYSTEM PURSUANT TO A PROCESS ESTABLISHED BY BOARD RULE.

N. THE BOARD SHALL CONDUCT AN ANNUAL VOLUNTARY SURVEY OF PROGRAM USERS TO ASSESS USER SATISFACTION WITH THE PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM. THE SURVEY MAY BE CONDUCTED ELECTRONICALLY. ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE BOARD SHALL PROVIDE A REPORT OF THE SURVEY RESULTS TO THE

PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE GOVERNOR AND SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE.

O. THIS SECTION DOES NOT PROHIBIT A MEDICAL PRACTITIONER REGULATORY BOARD FROM OBTAINING AND USING INFORMATION FROM THE PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM.

P. FOR THE PURPOSES OF THIS SECTION, "EMERGENCY DEPARTMENT" MEANS THE UNIT WITHIN A HOSPITAL THAT IS DESIGNED FOR THE PROVISION OF EMERGENCY SERVICES.

Sec. 2. Section 36-2608, Arizona Revised Statutes, is amended to read:

36-2608. Reporting requirements; waiver; exceptions

A. If a medical practitioner dispenses a controlled substance listed in section 36-2513, 36-2514 or 36-2515, or if a prescription for a controlled substance listed in any of those sections is dispensed by a pharmacy in this state, a health care facility in this state for outpatient use or a board-permitted nonresident pharmacy for delivery to a person residing in this state, the medical practitioner, health care facility or pharmacy must report the following information as applicable and as prescribed by the board by rule:

1. The name, address, telephone number, prescription number and drug enforcement administration controlled substance registration number of the dispenser.

2. The name, address and date of birth of the person ~~or, if for an animal, the owner of the animal~~ for whom the prescription is written.

3. The name, address, telephone number and drug enforcement administration controlled substance registration number of the prescribing medical practitioner.

4. The name, strength, quantity, dosage and national drug code number of the schedule II, III or IV controlled substance dispensed.

5. The date the prescription was dispensed.

6. The number of refills, if any, authorized by the medical practitioner.

B. Except as provided in subsection D of this section, a dispenser must use the September 28, 2011 version 4, release 2 standard implementation guide for prescription monitoring programs published by the American society for automation in pharmacy or any subsequent version or release of that guide to report the required information.

C. The board shall allow the reporter to transmit the required information by electronic data transfer if feasible or, if not feasible, on reporting forms as prescribed by the board. The board shall not require the reporter to submit the required information more frequently than once each day.

D. A dispenser who does not have an automated ~~record-keeping~~ RECORDKEEPING system capable of producing an electronic report in the established format may request a waiver from electronic reporting by submitting a written request to the board. The board shall grant the request

1 if the dispenser agrees in writing to report the data by submitting a
2 completed universal claim form as prescribed by the board by rule.

3 E. The board by rule may prescribe the prescription form to be used in
4 prescribing a schedule II, III or IV controlled substance if the board
5 determines that this would facilitate the reporting requirements of this
6 section.

7 F. The reporting requirements of this section do not apply to the
8 following:

9 1. A controlled substance administered directly to a patient.

10 2. A controlled substance dispensed by a medical practitioner at a
11 health care facility licensed by this state if the quantity dispensed is
12 limited to an amount adequate to treat the patient for a maximum of
13 seventy-two hours with not more than two seventy-two hour cycles within any
14 fifteen-day period.

15 3. A controlled substance sample.

16 4. The wholesale distribution of a schedule II, III or IV controlled
17 substance. For the purposes of this paragraph, "wholesale distribution" has
18 the same meaning prescribed in section 32-1981.

19 5. A facility that is registered by the drug enforcement
20 administration as a narcotic treatment program and that is subject to the
21 ~~record-keeping~~ RECORDKEEPING provisions of 21 Code of Federal Regulations
22 section 1304.24.

23 Sec. 3. Controlled substances prescription monitoring program;
24 analysis; report; delayed repeal

25 A. The Arizona state board of pharmacy shall contract with a third
26 party to conduct an analysis of the controlled substances prescription
27 monitoring program and report on at least the following:

28 1. The usability and length of time to query data on the controlled
29 substances prescription monitoring program's central database tracking system
30 and recommendations to improve system properties for more efficient and
31 effective clinical use by medical practitioners.

32 2. Strategies to increase and promote use by medical practitioners.

33 3. The quality of the data and recommendations to improve accuracy and
34 validity.

35 4. Strategies to make it easier to integrate the controlled substances
36 prescription monitoring program's central database into electronic health
37 records.

38 5. An analysis of available and necessary resources for the Arizona
39 state board of pharmacy to implement the requirements of section 32-2606,
40 Arizona Revised Statutes, as amended by this act.

41 6. Best practices in this state and other states that have a
42 controlled substances prescription monitoring program or database.

43 B. The report shall be completed on or before January 1, 2017. On or
44 before January 15, 2017, the Arizona state board of pharmacy shall deliver
45 the report to the president of the senate, the speaker of the house of

1 representatives and the governor and shall provide a copy to the secretary of
2 state.

3 C. This section is repealed from and after September 30, 2017.

4 Sec. 4. Controlled substances prescription monitoring program;
5 electronic health records; integration; quarterly
6 reports; delayed repeal

7 A. On or before October 1, 2016 and every quarter for the following
8 four years, the Arizona state board of pharmacy shall complete a quarterly
9 report on the number and names of electronic health records companies that
10 have integrated the controlled substances prescription monitoring program's
11 central database or are in the process of integrating the database for use by
12 medical practitioners. The report shall include the number of medical
13 practitioners who will have access to the integrated data through an
14 electronic health records system. The board shall post each report on its
15 public website.

16 B. This section is repealed from and after September 30, 2021.

17 Sec. 5. Rulemaking exemption

18 For the purposes of this act, the Arizona state board of pharmacy is
19 exempt from the rulemaking requirement of title 41, chapter 6, Arizona
20 Revised Statutes, for one year after the effective date of this act.

APPROVED BY THE GOVERNOR MAY 12, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2016.

Passed the House March 28, 2016,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Jim M. G...
Speaker of the House

Jim Drake
Chief Clerk of the House

Passed the Senate March 3, 2016,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

LS Biggs
President of the Senate

Susan Peavles
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1283

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 4, 2016

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

4th day of May, 2016

at 4:26 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 12th day of

May

at 9:18 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13 day of May, 2016

at 9:07 o'clock A M.

[Signature]
Secretary of State